

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERNEST JACK HILL, III,	:	CIVIL NO. 3:10-CV-1743
	:	
Plaintiff,	:	(Judge Kosik)
	:	
v.	:	
	:	(Magistrate Judge Carlson)
HARLEY G. LAPPIN, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

This case is a *pro se* civil rights action filed by the Plaintiff, Ernest Jack Hill, III. (Doc 1.) On April 11, 2011, Hill filed a motion, styled motion for judicial notice. (Doc. 42.) In this pleading, Hill stated that he would file a brief in support of this motion in accordance with Local Rule 7.5. To date, Hill has not filed any brief in support of this motion. With respect to this motion filed by Hill, Local Rule 7.5 requires that any party who files a motion shall be required to file a brief in support of that motion within fourteen (14) days of the filing of the motion. Local Rule 5.1(h) requires that the motion and brief be separate documents. If a moving party does not file a brief in support of his or her motion within the 14-day deadline, Local Rule 7.5 provides that the party shall be deemed to have withdrawn the motion. See Local Rule 7.5.

In this case, the Plaintiff has failed to comply with Local Rule 7.5 by filing a timely brief in support of his motion. This failure now compels us to apply the sanction called for under Rule 7.5 and deem the Plaintiff to have withdrawn his motion. See e.g., Salkeld v. Tennis, 248 F. App'x 341 (3d Cir. 2007)(affirming dismissal of motion under Local Rule 7.5); Prinkey v. Tennis, No. 09-52, 2010 WL 4683757 (M.D. Pa. Nov. 10, 2010)(dismissal under Local Rule 7.5); Griffin v. Lackawanna County Prison Board, No. 07-1683, 2008 WL 4533685 (M.D. Pa. Oct. 6, 2008)(dismissal under Local Rule 7.6).

For the foregoing reasons, IT IS ORDERED that the Plaintiff's motion for judicial notice, (Doc. 42), is deemed withdrawn and is denied.

/s/ **Martin C. Carlson**

Martin C. Carlson
United States Magistrate Judge

Dated: April 27, 2011